

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DANIEL I. FREDERICK,

Plaintiff,

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC;
SYNCB/TOYSRUS; SYNCHRONY BANK,

Defendants.

Civil Action No.

**NOTICE TO PLAINTIFF OF
REMOVAL**

TO: PLAINTIFF AND PLAINTIFF'S COUNSEL

PLEASE TAKE NOTICE that on August 17, 2018, Defendant Synchrony Bank filed a Notice of Removal of this action to the United States District Court for the Southern District of New York. True and correct copies of the Notice of Removal in the above court and the Notice to Clerk of Removal to Federal Court are attached hereto.

This Notice is served upon you in compliance with 28 U.S.C. § 1446.

Dated: August 17, 2018

New York, New York

Respectfully submitted,

REED SMITH LLP

By: /s/ Nana Boyer

Nana Boyer (4766960)
599 Lexington Avenue
New York, New York 10022
Tel. (212) 521-5400
Fax. (212) 521-5450
nboyer@reedsmith.com

*Counsel for Defendant
Synchrony Bank*

AFFIRMATION OF SERVICE

NANA BOYER, an attorney duly admitted to practice before the Courts of the Eastern District of New York, affirms that a true and correct copy of the foregoing Notice to Plaintiff of Removal was served this date on counsel for Plaintiff Daniel I. Frederick and on counsel for Portfolio Recovery Associates, LLC by United States mail, first class and postage prepaid, addressed as follows:

Daniel I. Frederick
414 St. Marks Avenue, 4A
Brooklyn, NY 11238

Troutman Sanders LLP
Attn: Patrick F. Dillard, Esq.
1001 Haxall Point
15th Floor
Richmond, VA 23219

Dated: August 17, 2018

/s/ Nana Boyer
Nana Boyer

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

DANIEL I. FREDERICK,

Plaintiff,

v.

PORTFOLIO RECOVERY ASSOCIATES, LLC;
SYNCB/TOYSRUS; SYNCHRONY BANK,

Defendants.

Civil Action No.

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1331, Defendant Synchrony Bank (“Synchrony”) by its attorneys, hereby removes this action from the Civil Court of the City of New York, County of Kings, to the United States District Court, Eastern District of New York. In support of this Notice of Removal, Synchrony states as follows:

1. Plaintiff originally commenced this action by filing a Complaint against Defendant Synchrony Bank, incorrectly named as Syncb/TOYSRUS, and Defendant Portfolio Recovery Associates, LLC, (“PRA”), in the Civil Court of the City of New York, County of Kings, where it is presently captioned as *Daniel I Frederick vs Portfolio Recovery Associates, LLC; Syncb/TOYSRUS; Synchrony Bank.*, Index No. CV-019318-18/KI. No further proceedings before the state court have occurred.

2. Pursuant to 28 U.S.C. §1446(a), a copy of the Complaint, the only process, pleading, or order served upon Synchrony in this action, is attached hereto as **Exhibit A**.

3. Synchrony received a copy of the Complaint on July 18, 2018.¹

4. Accordingly, this Notice of Removal is timely filed, having been filed within thirty (30) days of the date on which Synchrony received service of Plaintiff's Complaint. *See* 28 U.S.C. §1446(b).

5. The Civil Court of the City of New York, County of Kings, is located within the Eastern District of New York. Therefore, venue is proper because the action is being removed to the "district court of the United States for the district and division embracing the place where such action is pending." *See* 28 U.S.C. §1441(a).

6. No previous application has been made for the relief requested herein.

7. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. §1331, and is one that may be removed to this Court by Synchrony pursuant to 28 U.S.C. §1441, because Plaintiff accuses Synchrony of violation of the Fair Debt Collections Practices Act, 15 U.S.C. §1692e(2), e(8), f(11), and g. *See* Compl.

8. This Court has federal question jurisdiction over Plaintiff's claims pursuant to 28 U.S.C. §1331 and §1441(b) in that the claims are "founded on a claim or right arising under ... the laws of the United States[.]"

9. Counsel for Synchrony has consulted with counsel for PRA, who has consented to removal to this Court.

10. Pursuant to 28 U.S.C. §1446(d), written notice of this Notice of Removal of this action is being immediately filed with the Civil Court of the City of New York, County of Kings.

11. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal of this action is being caused to be served upon Plaintiff and PRA.

¹ Plaintiff's complaint and cover letter were received by Synchrony via fax on July 18, 2018.

12. Given that the requirements for federal question jurisdiction are satisfied, this case is properly removed.

WHEREFORE, Defendant Synchrony Bank gives notice that this action is removed from the Civil Court of the City of New York, County of Kings, to the United States District Court for the Eastern District of New York.

Dated: August 17, 2018

Respectfully Submitted,

By: /s/ Nana Boyer

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*Attorneys for Defendant
Synchrony Bank*

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Richmond, VA 23219

Dated: August 17, 2018

/s/ Nana Boyer (Japaridze)
Nana Boyer (Japaridze)